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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/681,677	05/18/2001	Eric Clifton Matteson	30-GF-1099	3677
23465	7590	09/20/2005	EXAMINER	
JOHN S. BEULICK C/O ARMSTRONG TEASDALE, LLP ONE METROPOLITAN SQUARE SUITE 2600 ST LOUIS, MO 63102-2740			FOX, JAMAL A	
			ART UNIT	PAPER NUMBER
			2664	

DATE MAILED: 09/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/681,677

Applicant(s)

MATTESON ET AL.

Examiner

Jamal A. Fox

Art Unit

2664

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 29 August 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____, (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____
Claim(s) objected to: _____
Claim(s) rejected: 1-20
Claim(s) withdrawn from consideration: _____

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attachment.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
13. ☐ Other: _____

Response to Arguments

Applicant's arguments filed 8/29/2005 have been fully considered but they are not persuasive. Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Dobbins et al. (U.S. Patent No. 5,790,546). Claims 1, 7 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Picazo, Jr. et al. (U.S. Patent No. 6,006,275).

Applicant argued that Dobbins et al. does not describe or suggest the connectivity device including a repeater device, and a central processing unit located within the network connectivity device and configured to communicate with a network hub device located within the network connectivity device, the network repeater device, and a network switch device located within the network connectivity device, where the network repeater device configured to amplify communication transmissions to extend a distance between the communications devices, the network hub device configured to interconnect the communication devices by bringing segments of the wire network together, and the network switch device configured to reduce communication collisions by providing communication transmissions from the communications devices with independent paths through the wire network. However, one skilled in the art would recognize that a repeater module is disclosed in (col. 13 lines 34-41). A CPU is disclosed in (Fig. 5 ref. sign 41, Fig. 6 ref. sign CPU, col. 13 lines 54-67, col. 14 lines 17-45, col. 15 lines 50-56, col. 26 lines 64-67 and col. 32 lines 37-67). A switch module is disclosed in (Fig. 5 ref. sign 40 and col. 13 lines 54-67). A hub module is a bridge or router that is disclosed in (col. 4 lines 13-27, col. 24 lines 30-61 and col. 26 lines 38-57).

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One skilled in the art would also recognize that the limitations of each module being configured to perform certain task are inherent.

Applicant argued that Picazo, Jr. et al. does not describe or suggest the connectivity device including a network repeater device, and a central processing unit located within the network connectivity device and configured to communicate with a network hub device located within the network connectivity device, the network repeater device, and a network switch device located within the network connectivity device, where the network repeater device configured to amplify communication transmissions to extend a distance between the communications devices by bringing segments of the wire network together, and the network switch device configured to reduce communication collisions by providing communication transmissions from the communications devices with independent paths through the wire network. However, one skilled in the art would recognize that a repeater is disclosed in (Fig. 2 ref. sign 90 and Fig. 4 ref. signs 262 and 288). A CPU is disclosed in (Fig. 2, ref. sign 144, Fig. 3 ref. sign 126 and col. 9 lines 29-67). A hub module is disclosed in (Fig. 2 ref. sign 140 and col. 9 lines 29-46). A switch module is disclosed in (Fig. 2 ref. sign 150, Fig. 3 ref. sign 112, col. 9 lines 29-46 and col. 10 lines 46-57). One skilled in the art would also recognize that the limitations of each module being configured to perform certain task are inherent.



Jamal A. Fox

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